

# Rocky Flats Coalition of Local Governments

Boulder County      City and County of Broomfield      Jefferson County  
City of Arvada      City of Boulder      City of Westminster      Town of Superior

## Rocky Flats Coalition of Local Governments Board Meeting Minutes

**Monday, February 23, 2004**

**8:30 - 12:10 p.m.**

Mt. Evans Room in the Terminal Building  
Jefferson County Airport, Broomfield

**Board members in attendance:** Gary Brosz (Director, Broomfield), Lori Cox (Alternate, Broomfield), Mike Bartleson (Alternate, Broomfield), Clark Johnson (Alternate, Arvada), Jane Uitti (Alternate, Boulder County), Sam Dixon (Director, Westminster), Ron Hellbusch (Alternate, Westminster), Michelle Lawrence (Director, Jefferson County), Karen Imbierowicz (Director, Superior), Devin Granbery (Alternate, Superior), Amy Mueller (Alternate, City of Boulder), Alice Guthrie (Alternate, City of Boulder), Hank Stovall (*Ex-officio*), Lisa Morzel (*Ex-officio*).

**Coalition staff members and consultants in attendance:** David Abelson (Executive Director), Kimberly Chleboun (Program Manager), Rik Getty (Technical Program Manager), Barb Vander Wall (Seter & Vander Wall, P.C.).

**Members of the Public:** Dave Shelton (Kaiser-Hill), John Corsi (Kaiser-Hill), Bob Fiehweg (Kaiser-Hill), Bob Nininger (Kaiser-Hill), Frank Gibbs (Kaiser-Hill), Frazer Lockhart (DOE), Joe Legare (DOE), Karen Lutz (DOE), John Rampe (DOE), Ed Westbrook (DOE), Scott Surovchak (DOE), Rick Schassburger (DOE), John Stover (DOE), Cliff Franklin (DOE), Laurie Shannon (USFWS), Mark Sattelberg (USFWS), Dean Rundle (USFWS), Amy Thornburg (USFWS), Bill Margle (ERO), Mimi Mather (Shapins), Rob Henneke (EPA), Mark Aguilar (EPA), Edgar Ethington (CDPHE), David Kruchek (CDPHE), Shirley Garcia (Broomfield), Al Nelson (Westminster), Lynn Wodell (Westminster), Emelie Smith (Arvada), Mark Brennan (City Boulder), Mark Gershman (City Boulder), Matt Jones (City Boulder), Rich Koopman (Boulder County), Kristan Printz (Broomfield), Ken Foelske (Jefferson County), Jeanette Alberg (Senator Allard), Kim Cadena (Rep. Beauprez), Robert Lynch (RFSOIU #1), Dan Chesshir (RFSOIU #1), Phil Cruz (RFSOIU #1), Chuck Miller (USWA Local 8031), Roman Kohler (Rocky Flats Homesteaders), Alisha Jeter (Broomfield Enterprise), Anne Fenerty (citizen).

### Convene/Agenda Review

Chairwoman Karen Imbierowicz convened the meeting at 8:33 a.m. The Executive Director's report was moved up in the agenda, prior to discussion of the Washington, D.C. briefing packets.

### Business Items

**1) Motion to Approve Consent Agenda -** Amy Mueller motioned to approve the consent agenda. Gary Brosz seconded the motion. The motion passed 5-0 (Jefferson County and Arvada were not yet present).

**ADMIN RECORD**

**2) Approve Proposed Bylaw amendment** - In accordance with the bylaw requirement that public notice be provided at two meetings before the bylaws can be amended, the Board reviewed the bylaw amendment regarding appointment of officers for the second time with public notice. Gary Brosz motioned to approve the bylaw amendment regarding the rotation of officers. Amy Mueller seconded the motion. The motion passed 5-0 (Jefferson County and Arvada were not yet present).

**3) Executive Director's Report** - David Abelson reported on the following items.

- Regarding Coalition funding, the Coalition has received a great amount of press as well as support from Reps. Udall and Beauprez, Senator Allard, CDPHE, and Rocky Flats Project Office.
- There was a fire/smoldering event in Building 991 which DOE and Kaiser-Hill will address during public comment. This event occurred after Kaiser-Hill was fined \$250,000 for safety violations.
- Charlie McKay applied for a conditional water right to use Lakewood Brick and Tile's mine as a reservoir. Such a use is questionable under the refuge bill considering that all right, title and interest shall remain with the federal government, and filling this hole could be viewed as acquiring federal rights to the surface. Mike Bartleson confirmed that Broomfield is mentioned in the application since two ditches Broomfield uses traverse the mine. He said Broomfield would routinely oppose the application.
- Workers and retirees raised healthcare and pension issues at the last Board meeting. Per Lorraine Anderson's request, Kimberly Chleboun researched the issues and provided the Board with additional information via a memo the week prior. The first issue is over retiree's benefits potentially being reduced when Legacy Management takes over their administration and possibly consolidates plans. The second issue is over accelerated closure's impact on workers qualifying for the Rule of 70. Workers negotiated the Rule of 70 in good faith that the Site would close at the end of 2006. These workers will be penalized (by not qualifying for early retirement or health care benefits) for saving the federal government hundreds of millions of dollars. The congressional delegation is aware of these issues, and David suggested the Coalition also raise the issues while lobbying in Washington, D.C. the following week.
- The Colorado congressional delegation is also proposing legislation regarding the Energy Employee's Occupational Illness Compensation Program Act. Senator Nighthorse Campbell is pushing the Administration to issue rules on administration of the program. Rep. Udall and Rep. Beauprez are recommending Rocky Flats be considered a special cohort since contamination was widespread and record keeping was poor. If approved as a special cohort then sick Rocky Flats workers would automatically qualify for benefits under the program. However, even if this legislation were approved there is still an incredible backlog of claims.
- The Board discussed their Washington, D.C. lobbying schedule.

**4) Approve Washington, D.C. Briefing Packets** - The Board agreed to change the briefing packets to include the above cited worker issues. There was also discussion of adding the issue of refuge funding, but the Board decided to leave that off so as to keep the packets focused. Michelle Lawrence motioned to approve the Washington, D.C. briefing packets with the addition of worker healthcare and pension issues. Clark Johnson seconded the motion. The motion passed 7-0.

### Public Comment

DOE and Kaiser-Hill addressed recent safety events. Ed Westbrook (DOE) described the Rocky Flats Project Office (RFPO) safety oversight program status. He said the program is now more focused on formal oversight and has a continued onsite presence. In response to the recent smoldering foam

incident, DOE supported Kaiser-Hill's decision to have a safety pause. Ed also said they are seeing a discernable shift to OSHA types of safety incidents (industrial as opposed to contamination hazards), but they also have a very low threshold for reporting occupational safety and hygiene.

Ed listed his credentials qualifying him to act as the RFPO Senior Safety Advisor in response to a query from Hank Stovall. Gary Brosz asked if the DOE safety group had reviewed the procedure prior to the foam work occurring. Ed said the procedure had been reviewed in its original application but had not been aggressively reviewed by DOE as it expanded to larger applications. He added the Kaiser-Hill safety group had reviewed it. Sam Dixon questioned Ed about a recent event involving a forklift and a broken chain. Ed said equipment was stuck in the mud and they used an offsite vendor who did not follow their safety procedures which prohibit the use of chains. He said there was another recent transportation incident involving a tractor that had become partially disconnected. Joe Legare (DOE) said DOE has a formal investigative process for determining corrective actions for these types of occurrences.

Dave Shelton (Kaiser-Hill) summarized Kaiser-Hill's continued commitment to safety, then introduced the following two Kaiser-Hill representatives, Howard Gilpin and Frank Gibbs. Howard addressed the February 11<sup>th</sup> incident involving a small fire in the Building 371 machine shop. While the belt sander was being used sparks and debris went into the dust collection system and started smoldering in debris left there from previous operations. The supervisor noticed an electrical odor and notified the appropriate authorities. The fire department evacuated the immediate area, used a thermal imager to detect the problem, and used a water fire extinguisher to put it out. Howard said the duct should have been cleaned out previously. It is now disconnected and only portable sanders will be used from now on.

Frank reported on the February 12<sup>th</sup> foam smoldering event in Building 991. The fire department responded to the report of smoke and used water to knock down the smoke. The area was cordoned off and responders wore appropriate protection, including supplied air. The smoke was coming from foam used to fill in a basement room and tunnel and prevent subsidence. The crew did not follow procedures, put in the foam too fast, and did not wait the appropriate amount of time for the foam to cure before adding more foam. One of the components began to burn, releasing carbon monoxide and hydrogen cyanide, at 20-30 part per million in the smoke. At one point the plugs were at 500 degrees Fahrenheit, but they are now back to ambient temperatures and the fire is out. The foam did not cure properly and will probably have to be removed along with the wooden walls used to hold it in place.

Jane Uitti said she spoke with the foam manufacturer, Autofroth, and was told that the Site had been warned about the potential for exothermic reaction two years ago when they began to use the foam in gloveboxes. A large room would require foaming in small blocks, two feet at a time, 90 minutes at a time. Additionally, the manufacturer had asked to monitor the process if the Site chose to use the foam in this capacity. Frank acknowledged this information was correct, but the work crew did not ask them onsite and did not follow the procedure as they were supposed to because they got in a hurry. Lisa Morzel questioned how much of a bonus Kaiser-Hill would receive for finishing the cleanup project one

year early and how this might drive safety procedures. Frank said if there is a significant accident Kaiser-Hill is fined and the bonus evaporates. Dave Shelton said Kaiser-Hill's bonus is 30 cents on each dollar, so if annual spending of \$600 million is saved, Kaiser-Hill would receive 30% of that. Lisa then asked several questions about the foam as a remedy as follows: (Frank will respond offline.)

- foam life expectancy
- compaction rate
- porosity
- potential contamination by groundwater
- fate of wooden walls
- how foam is controlled as it is being applied
- how foam's strength is measured
- potential for hairline fractures

Gary Brosz said it appeared they responded to the emergency well, but he is concerned about the mechanism that allowed it to occur. He asked if this particular project was a less disciplined process since it might be considered a second class of work as clean area. Frank said the work control program does grade work based on hazard levels, but the problem was not with the process, but rather with people not following the process. Gary asked if there are formal or informal discreet work procedures. Frank explained it is somewhere in between, not step by step, but also more than a verbal order. Gary voiced concern that the technicians may have a gung-ho, know-better-than-others attitude. Frank said that type of culture does not exist, but that it was personnel issues that are now being examined. Jane asked if the Kaiser-Hill technicians had gone through the contractor's special training, and Frank confirmed they had. Hank Stovall asked about the human toxicity level for hydrogen cyanide, and Frank said the permissible limit is 10 ppm which was exceeded in the smoke stream, however the workers had on supplied air. Gary said that after the analysis is completed he would like to see what procedure broke down, the points of failure, and the new processes put in place.

### **Surface Water Management Strategy**

John Rampe gave a presentation outlining the Site's plans for surface water management, first describing overall goals of water management. These goals include continuing compliance with RFCA requirements, long-term remedy protection, long-term operational efficiency, and consistency with the future use as a wildlife refuge.

John reviewed the general features being considered under the water management planning, including North and South Walnut and Woman Creeks and their detention ponds, and the South Interceptor Ditch (SID) and Pond C-2. The creeks and SID drain and capture runoff from the Industrial Area (IA), and then the terminal ponds control the water released from each drainage. Numerous drains, pipes, ditches, and culverts which route storm flows in the IA are also included in this planning. John reviewed the surface water quality and flow for these drainages (these figures were described in detail at the December 3, 2003 Board meeting as well).

John stated the general proposal is as follows:

- Retain Ponds A-3 and A-4 (terminal pond), accounting for 83% of current storage, and continue

current operational mode.

- Convert Ponds A-1 and A-2 to flow-through structures, probably with small pools.
- Retain stormwater bypass around A-1 and A-2, allowing them to be isolated from flow from upstream.
- Retain Pond B-5 (terminal pond), accounting for 87% of current storage, and continue current operational mode.
- Convert Ponds B-1, B-2, B-3, and B-4 to flow-through structures, probably with small pools.
- Anticipate remediation of contaminated sediments in Ponds B-1, B-2, and B-3.
- Retain stormwater bypass around Ponds B-1 and B-2.
- Retain SID/Pond C-2 system as-is to intercept runoff from 903 Pad area, and continue current operational mode.
- Notch C-1 dam and insert stoplogs to retain current pool and flow-through operations.
- Examine potential benefits of extending SID eastward in 903 Lip Area IM/IRA.
- Regrade around individual buildings.
- Revegetate disturbed areas with native species.
- Remove or plug pipes, drains, and culverts.
- Establish stable drainages in key locations (e.g., near B371 and at Central Avenue Ditch outfall).

John said the surface water management planning must tie together several issues, including minimizing impacts to wetlands and habitat, selecting a specific engineering approach for pond modifications, finalizing the IA drainage approach, and ensuring integration between IA drainage and pond reconfiguration. As explained at the December Board meeting, the NEPA process will be used since these actions are not part of a remedy. Pond C-1 will proceed under a NEPA categorical exclusion, but it is anticipated that all other actions will be covered in a single Environmental Assessment to be distributed for public comment in spring 2004. Because of safety concerns, the Pond C-1 project has been prioritized, but the other projects should be completed 2004-2005.

Sam Dixon said Westminster is not happy about the plans for the C ponds structure, and the SID does not do it so they need something that collects runoff further west. John said he is aware of Westminster's concerns and explained they have analyzed having Pond C-2 collect all of Woman Creek, but it is not large enough and it would have to discharge almost non-stop. He also said that dredging Pond C-1 would only result in a minor increase in capacity. Lisa Morzel asked for a description of stoplogs, and John explained they are notches in the dam, analogous to aluminum planks that you can lock into place at various heights to control ponding behind the dam. Lisa then asked about the modeling done to predict surface runoff. John said they are relying primarily on the modeling done in the Site Wide Water Balance Study which accommodated for wet and dry years. Bob Nininger (Kaiser-Hill) further clarified the study took into account 100-year storm events (and even longer), events of short and high intensity, and erosion modeling. The erosion modeling identified those segments of slopes most erodible and how they related to plutonium and americium on the surface, and which would most contribute to impacts to the SID and other drainages.

Lisa advised the Site she has a colleague at the USGS who recently did a detailed analysis on the Rocky Flats post-bedrock surface, a gravel deposit. She described large holes in the bedrock west of the IA and voiced concern about the modeling assumption of a gentle eastward flow of groundwater. She said the paper is in review right now, and asked if she could bring the information to a future Board meeting. John said the Site would be interested in reviewing the information and speaking with the author, and noted he is aware of large unconsolidated deposits which are being mined. Karen Imbierowicz said the Board will check on future agendas.

Gary Brosz asked if they are monitoring for any contaminants other than plutonium and americium. John stated uranium is another radionuclide being monitored, and he explained that the RFCA parties are currently in discussions determining what post-closure monitoring will look like. Gary asked if the Coalition or the Site could track open items since it is difficult for the Board to keep track from one meeting to the next. He then questioned the stormwater bypass decision, and asked how decisions would be made post-closure. John stated DOE's Office of Legacy Management would be responsible. He added that they just do not know at this point if the bypass will be needed or not as it will depend on how much water is there, wetland needs, and if they want to continue diverting water to the A and B series ponds. Gary said he struggles with the Site not being able to make a decision based on informed analyses. John said the decision is beyond the precision of modeling so they are leaving it up to the future managers.

Gary asked about contaminated sediments and John said they have not completed the relevant decision document, but they do anticipate removing them. Gary asked how often the ditches, including the SID, are actually used. Bob Fehwig (Kaiser-Hill) said they capture runoff every time it rains. Hank Stovall asked if the EA will specify what potential contaminants may be left in the ponds. John said the EA will only deal with how they anticipate leaving surface water structures, not residual contamination. That issue will be considered under the ER RSOP Notifications and/or the Building 123 decision document. Ponds that are not being remediated will be dealt with in No Further Action Notifications. Hank asked if pond sediment remediation will comply with surface soil cleanup levels of 50 pCi/g, and John confirmed it would. Gary asked if the EA would consider the Present Landfill pond, and John said that structure would be considered in the Present Landfill discussions. Their long-term plan is to directly discharge that pond into No Name Gulch. Gary was concerned it is not being considered under the heading of surface water management.

### **Rocky Flats National Wildlife Refuge**

Laurie Shannon provided a review and summary of the Comprehensive Conservation Plan/Environmental Assessment (CCP/EIS) planning process and schedule, as well as the purposes and visions of the refuge and refuge legislation. She listed issues outside the scope of the CCP, including delineating DOE retained lands (to be determined in the Memorandum of Understanding), mineral rights, and cleanup levels. Laurie also stated USFWS may pursue protection of land adjacent to the refuge out of concern for wildlife corridors, perhaps via partnerships, conservation easements and/or acquisition of lands west of the refuge.

Laurie then described the proposed action, Alternative B, which balances wildlife and habitat management and public use. Under this alternative they plan to pull up roads, remove stream crossings, and restore disturbed areas such as the hay meadow in order to restore native habitat. Visitors will be able to drive in through the west gate to an area with parking, a trail head, and a seasonally staffed visitor contact station with a small maintenance facility and refuge offices. There will be a universally accessible trail to the Lindsay Ranch overlook and pedestrian trails to the Lindsay Ranch area, open seasonally based on the Prebles jumping mouse and ground nesting birds. This alternative also includes multiple use trails for bikes and pedestrians in the north section, and bikes, pedestrians and equestrians in the south. The trails include loops and connectivity to future trails from surrounding open space. The addition of equestrian use in the south was in response to comments from a variety of stakeholders from all over the community.

Laurie explained that also in response to stakeholder comments, they are proposing to open the trail to Lindsay Ranch short shortly after USFWS takes over management, within approximately six months. The rest of the trails would not open until after five years of refuge establishment in order to focus efforts on habitat restoration. She added that many of the connections from the communities are not in

place yet so there is no sense in rushing to put those refuge trail connections into place.

Laurie next reviewed the other alternatives, which have changed very little since released last May. Alternative A is No Action, and the only change made since last May is the removal of the perimeter chain link fence. Alternative C focuses on ecological restoration and limits public use. Alternative D focuses on public use.

Laurie described the management tools and how they would differ between the four alternatives. An Integrated Pest Management Plan will be drafted for Alternatives B, C, and D, with no burning or grazing in Alt. D and extensive weed control in Alt. C. Management in Alt. A would be limited to the Rock Creek Preserve. Cattle grazing for ecological restoration purposes may be used in Alts. B and C, and goat grazing for weed management would be considered under all alternatives. Laurie also described the four compatibility determinations that were done to determine the appropriateness of certain wildlife-dependent recreation within Alt. B since it is the proposed action.

Laurie next discussed habitat for threatened species Preble's meadow jumping mouse. She stated that the mouse's habitat is adjacent to streams and waterways, and its protection provides secondary benefits for other riparian wildlife. Alts. B, C, and D would protect vegetation with fencing and/or ungulate control.

Laurie next described cultural resources, stating that Alts. A, B, and D stabilize the barn and allow other features to deteriorate. Alts. B and D would also interpret the barn, while Alt. C would remove all structures.

Laurie then went through a comparison of the alternatives, highlighting the differences between them as well as the environmental consequences. She also discussed the varying levels of facility development, staffing, and budgets for each alternative. See table below.

| Alternative | Staffing Needs (FTE) | Cost over 15 years (in millions) |
|-------------|----------------------|----------------------------------|
| A           | 2                    | \$3.7                            |
| B           | 4                    | \$8.6                            |
| C           | 5                    | \$11.5                           |
| D           | 8                    | \$16.6                           |

Laurie then opened the floor for questions. Jane Utti asked if there would be any barrier between the land retained by DOE and the land transferred to USFWS. Laurie replied she did not know, but the institutional controls would be determined by the remedy and the RFCA agreement. David Abelson asked if USFWS would have a role in answering that question, and Dean Rundle (USFWS) explained that USFWS listens and comments as the RFCA parties hold these discussions. Jane asked Dean his recommendation on the boundary issue, and he responded that he would like to see a recommendation to demarcate the boundary, but via a landscape that allows animals to move across it, such as signage. He said he has not personally seen any information about a threat to human health that would necessitate a chainlink fence.

Lisa Morzel asked how access to the refuge would be restricted without some barrier for the first interim period, such as security officers or rangers. Laurie said the road would be gated and there would also be

a law enforcement patrol and refuge officers. Dean added there would also be no trespassing signs advising the area is closed, backed up by education and law enforcement.

Sam Dixon asked what percentage of stakeholders had wanted horses allowed onsite. Laurie said they tried to avoid making it a vote, and she did not have specific numbers, but she added that more people had supported alternatives that allow a moderate amount of public use than those that did not. She also stated there had been a lot of public support for equestrian use. Sam said there had been a lot of support for allowing dogs onsite too, but that is not in the proposed alternative. Laurie said they cannot meet every public use expectation, and dogs are provided for on the surrounding open space lands.

Gary Brosz said it is his opinion that the refuge's most important short-term purpose is as a symbol of a clean site and transmitting that perception to the public, thus he questioned how quickly the public could gain access. Laurie stated under Alt. B the foot trail to Lindsay Ranch would be opened within six months or whenever possible due to funding. USFWS would then focus on restoration for five years and then slowly open the other trails, to be completed within fifteen years. She again stated that many of the trail connections from surrounding open space are not completed yet, thus it is not a priority.

Lisa asked for clarification on hunting, and Laurie said there would be a closely supervised hunting program for youth and the disabled, but after two years they may consider expanding the program. Dean added this potential expansion comes from a request from the Colorado Division of Wildlife for the purpose of population management. Lisa then raised the question of how well the public has been informed of the site's prior use and contamination. Laurie stated it has been addressed peripherally with the explanation that the site is undergoing cleanup and the issues are being dealt with by the RFCA parties, but it is not within the CCP/EIS scope. Also, the refuge legislation was very clear in stating that the site cannot become a refuge until it is certified clean.

Gary again raised the issue of dogs and said he would have a significant problem if horses are allowed onsite but not dogs. He added that a coyote population would do just as much ecological damage as dogs. However, his priority issue is with the majority of the refuge not opening to the public for five years, especially east to west trails. He also said he did not see a loop trail connecting from the eastern border. Laurie said she did not go into much detail due to time constraints, but some of these trails will depend on the north-south connection and the potential road work to Indiana. Gary said he would much rather put a trail in and complete the loop since the road could take so long. Ron Hellbusch reminded the Board that these six priority public uses being considered are the same for all refuges, not just Rocky Flats.

### **Round Robin**

The governments had no further comment.

### **Public Comment**

There was no further public comment.

At 11:55 a.m. Karen Imbierowicz motioned to move into Executive Session for the purposes of determining positions that may be subject to negotiations in connection with the issue of restructuring the Coalition for future funding purposes, and conferences with the attorney for purposes of receiving legal advice on such issues, as authorized under Sections 24-6-402 (4) (e) and 24-6-402 (4) (b), C.R.S.; Michelle Lawrence seconded the motion. The motion passed 7-0.



The Board reconvened from Executive Session at 12:10 p.m. and affirmed that no actions had been taken during Executive Session.

The meeting was adjourned by Karen Imbierowicz at 12:10 p.m.

*Respectfully submitted by Kimberly Chleboun, Program Manager*

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